

Montana Department of Natural Resources and Conservation  
Water Resources Division  
Water Rights Bureau

**ENVIRONMENTAL ASSESSMENT**  
**For Routine Actions with Limited Environmental Impact**

**Part I. Proposed Action Description**

1. Applicant/Contact name and address: **Bergin Land & Livestock, LTD  
PO Box 219  
Melstone, MT 59054**
2. Type of action **Application To Change An Existing Water Right No. 40C 30104443**
3. Water source name: **Ground Water**
4. Location affected by project: **The project is located in Musselshell County, about 6 miles east of the town of Musselshell, Montana**
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

**Proposed change is to add 16 new stock tanks to an existing groundwater well. The new stock tanks will be located in Sec. 13,17,18,19,20,30,31, 32, T9N, R30E. The water right proposed to be changed is Statement of Claim 40C 208664. 500 cow/calf pairs were historically served by the source, and the same number of stock will be served by the proposed development. The additional stock tanks are part of a nine mile long pipeline.**

6. Agencies consulted during preparation of the Environmental Assessment:  
(include agencies with overlapping jurisdiction)

**Dept. of Environmental Quality Website – Clean Water Act Information Center  
MT. National Heritage Program Website - Species of Concern  
USDI Fish & Wildlife Service Website - Endangered and Threatened Species  
MT State Historic Preservation Office - Archeological/Historical Sites  
USDA Natural Resources Conservation Service – Web Soil Survey  
USDI Fish & Wildlife Service – Wetlands Online Mapper**

**Part II. Environmental Review**

1. **Environmental Impact Checklist:**

**PHYSICAL ENVIRONMENT**

**WATER QUANTITY, QUALITY AND DISTRIBUTION**

**Water quantity** - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

**Determination:**           **No Significant Impact.**

**The source of supply for this application is groundwater; therefore, it has not been identified as a chronically or periodically dewatered stream by DFWP. There is a low likelihood that this project will have a significant impact on water quantity; demands on the hydrologic system are not expected to change.**

**Water quality** - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

**Determination:**           **No Significant Impact.**

**This change is to add 16 stock tanks to an existing Statement of Claim for a well. As such, the source has not been listed as a water quality impaired or threatened stream by DEQ. There is a low likelihood that the new tank will have a significant impact on water quality, it will be located at the end of the pipeline away from the source.**

**Groundwater** - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

**Determination:**           **No Significant Impact.**

**This project is not anticipated to use any more groundwater than has been used historically. The flow rate for the certificate to be changed will remain at 25 GPM and will service the same number of animal units, 500.**

**DIVERSION WORKS** - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

**Determination:**           **No Significant Impact.**

**The Applicant is adding stock tanks to an existing system. The source of water is a well that conveys approximately 25 GPM in a 9 mile long pipeline. The stock tanks will have a float valve system installed and water diversion will stop when the tanks are full. The diversion works are already in place; therefore no impacts that haven't already occurred are anticipated. Channel impacts, impacts to flow modifications, barriers, riparian areas, dams, or well construction are not anticipated.**

#### **UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES**

**Endangered and threatened species** - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special

*concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

**Determination: No Significant Impact.**

**The Montana National Heritage Program website lists seven animal species as Species of Concern within Township 9 North Range 30 East. Common names for these species are the Great Blue Heron, the Greater Sage-Grouse, the Spiny Softshell (Turtle), Plains Spadefoot, Plains Hog-nosed Snake, the Great Plains Toad, and the Black-tailed Prairie Dog. Sauger are listed as a species of concern, too. The website also lists the Porcupine, the Silver-haired Bat and the Brassy Minnow as Potential Animal Species of Concern. The USDI Fish & Wildlife Service Website shows that Musselshell County has three species listed as either a candidate, threatened, or endangered for the Endangered Species Act; the Red Knot, (Threatened), the Sprague's Pit (Candidate) and the Black-footed Ferret (endangered). This project is not expected to impact any species listed above as the project will be located on acreage that has been previously disturbed by past grazing practices and stock-watering system development.**

**Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.**

**Determination: No Significant Impact.**

**The National Wetlands Inventory website shows Freshwater Emergent Type Wetlands through a limited portion of the Applicant's claimed place of use. Wetlands should not be significantly impacted as a result of this project.**

**Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.**

**Determination: No Significant Impact.**

**This project does not involve a pond. No impact to wildlife, waterfowl, or fisheries is anticipated.**

**GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.**

**Determination: No Significant Impact.**

**Because this project is simply to add stock water tanks to an existing system, there is a low likelihood of adverse impact to soil quality, stability, or moisture content.**

**VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS** - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

*Determination:*           **No Significant Impact.**

**Construction associated to this project was completed prior to this application. Any impacts to existing cover will have already occurred. Normal weed management can be used to control noxious weeds potentially invading disturbed areas due to construction activities; therefore, no spread of noxious weeds should be associated with this application. It is the responsibility of the property owner to control noxious weeds on their property.**

**AIR QUALITY** - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

*Determination:*           **No Significant Impact.**

**No impacts to air quality or adverse effects to vegetation are expected as a result of this proposal; the pump is driven by an electric motor.**

**HISTORICAL AND ARCHEOLOGICAL SITES** - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

*Determination:*           **N/A – project not located on State or Federal Lands.**

**DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY** - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

*Determination:*           **No Significant Impact.**

**No additional impacts are anticipated.**

<b>HUMAN ENVIRONMENT</b>
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**LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS** - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

*Determination:*           **No Significant Impact.**

**No locally adopted environmental plans or goals have been identified.**

**ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES** - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

*Determination:*           **No Significant Impact.**

**The proposed action is consistent with livestock practices in the area.**

**HUMAN HEALTH** - Assess whether the proposed project impacts on human health.

Determination: **No Significant Impact.**

**No impacts to human health have been identified.**

**PRIVATE PROPERTY** - Assess whether there are any government regulatory impacts on private property rights.

Yes\_\_\_ No X\_\_\_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: **No known impacts.**

**OTHER HUMAN ENVIRONMENTAL ISSUES** - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? **None**
- (b) Local and state tax base and tax revenues? **None**
- (c) Existing land uses? **No significant impact from the additional stock tanks.**
- (d) Quantity and distribution of employment? **None**
- (e) Distribution and density of population and housing? **None**
- (f) Demands for government services? **None**
- (g) Industrial and commercial activity? **None**
- (h) Utilities? **None**
- (i) Transportation? **None**
- (j) Safety? **None**
- (k) Other appropriate social and economic circumstances? **None**

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts : **No secondary impacts have been identified.**

Cumulative Impacts: **No cumulative impacts have been identified.**

3. *Describe any mitigation/stipulation measures:*

**No mitigation or stipulation measures have been identified by the Applicant. The Department may impose a measurement condition to ensure required criteria are met.**

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

**No action alternative: Deny the application. This alternative would result in no change to the existing water rights for irrigation.**

*PART III. Conclusion*

**1. Preferred Alternative**

The preferred alternative is the proposed alternative.

**2 Comments and Responses**

None Received.

**3. Finding:**

Yes\_\_\_ No X Based on the significance criteria evaluated in this EA, is an EIS required?

*If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:*

**None of the identified impacts for any of the alternatives are significant as defined in ARM 36.2.524.**

*Name of person(s) responsible for preparation of EA:*

Name: Mike Everett

Title: Water Resources Specialist – LRO

Date: 8/15/2016